



Page 1 of 2



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/709,691	05/24/2004	Itzhak Bentwich	

37808  
 ROSETTA-GENOMICS  
 10 PLAUT-STREET SCIENCE PARK  
 P.O. BOX 2061  
 REHOVOT, 76706  
 ISRAEL

CONFIRMATION NO. 3690

FORMALITIES LETTER



\*0C000000015542619\*

Date Mailed: 03/23/2005

### NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

#### *Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 12/01/2004 to the Notice to File Missing Parts (Notice) mailed 07/02/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that they contain non-ASCII files. A new duplicate set of compact discs with only ASCII files is required. Any replacement compact disc submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. If a directory of the disc could be printed, it is attached and non-ASCII files are marked on the directory listing.
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c). Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

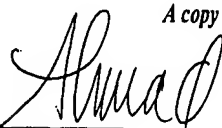
To Download Patent Software, visit <http://www.uspto.gov/web/patents/software.htm>  
For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY



Attorney Docket No. 06087.0400.CPUS01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Itzhak Bentwich, et al.  
App. No.: 10/709,691  
Conf. No.: 3690  
Filing Date: May 24, 2004  
Title: Bioinformatically Detectable Group of  
Novel Regulatory Bacterial and  
Bacterial Associated Oligonucleotides  
and Uses Thereof  
Art Unit: Not yet assigned  
Examiner: Not yet assigned

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date:

02/16/06  
Date

  
Teddy C. Scott, Jr., Ph.D.  
Registration No. 53,573

**RESPONSE TO NOTICE OF INCOMPLETE REPLY**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Sir:

In response to the Notice of Incomplete Application dated March 23, 2005, Applicants submit herewith the following:

- Replacement Sequence Listing under 37 C.F.R. §1.825(a), submitted on two compact discs (two copies of compact disc) under §1.52(e);
- Substitute copy of the Sequence Listing in computer readable form (§1.821(e)), (one copy of compact disc) submitted pursuant to §1.825(b); and
- Copy of the Notice to Comply.

This application was unintentionally abandoned for failing to respond to the Notice of Incomplete Application. Submitted herewith is a petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b) (2 pgs.) along with the requisite fee of \$750.00.

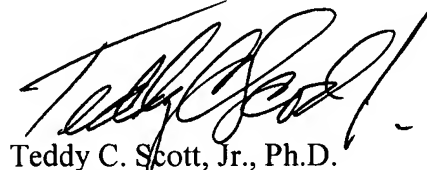
No additional fees are believed to be due in connection with the filing of this Response. However, should any additional fees be deemed necessary for any reason relating to this document, the Commissioner is hereby authorized to deduct the fees from Howrey Simon Arnold & White, LLP Deposit No. 08-3038, referencing the above-identified attorney docket number.

Respectfully submitted,

HOWREY LLP

Dated: February 16, 2006

By:



Teddy C. Scott, Jr., Ph.D.

Registration No.: 53,573

Customer No.: 22930

HOWREY LLP  
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PTO/SB/24 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Project 1995-180-001, persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/709,691
Filing Date	May 24, 2004
First Named Inventor	Itzhak Bentwich
Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	06087.0400.CPUS01

Total Number of Pages in This Submission

12

**ENCLOSURES (Check all that apply)**

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input checked="" type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input checked="" type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input checked="" type="checkbox"/> CD, Number of CD(s) <u>6</u><br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below):<br>1. CD-ROM Transmittal<br>2. Sequence Listing Stmt.<br>3. Return-receipt postcard |
|---|---|--|

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name Howrey LLP

Signature

Printed name Teddy C. Scott, Jr., Ph.D.

Date

February 16, 2006

Reg. No.

53,573

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name Teddy C. Scott, Jr., Ph.D.

Date

February 16, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.